

CHAPTER 21
BONDS OF PUBLIC OFFICERS
H. F. 32

AN ACT to amend, revise, and codify chapter nineteen (19) of title four (4) of the compiled code of Iowa and of the supplement to said code, and sections two hundred forty-one-a thirty-six (241-a36) and two hundred forty-seven-a one (247-a1) of the supplement to said code, relating to the bonds of public officers, and to the appointment of a superintendent of printing and of a custodian of public buildings and grounds.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter nineteen (19) of title four (4) of the compiled Code of Iowa and of the supplement to said Code is amended, revised, and codified to read as follows:

Section 1. Bond not required. Bonds shall not be required of the following public officers:

1. Governor.
2. Lieutenant governor.
3. Members of the general assembly.
4. Judges of the supreme, district, superior, and municipal courts.
5. Township trustees.
6. Aldermen, councilmen, and commissioners of cities and towns.

Sec. 2. Conditions of bond of public officers. All other public officers, except as otherwise specially provided, shall give bond with the conditions, in substance, as follows:

That as _____ (naming the office), in _____ (city, town, township, county, or state of Iowa), he will render a true account of his office and of his doings therein to the proper authority, when required thereby or by law; that he will promptly pay over to the officer or person entitled thereto all moneys which may come into his hands by virtue of his office; that he will promptly account for all balances of money remaining in his hands at the termination of his office; that he will exercise all reasonable diligence and care in the preservation and lawful disposal of all money, books, papers, securities or other property appertaining to his said office, and deliver them to his successor, or to any other person authorized to receive the same; and that he will faithfully and impartially, without fear, favor, fraud, or oppression, discharge all duties now or hereafter required of his office by law.

Sec. 3. Liability of surety. The sureties on such bond shall be liable for all money or public property that may come into the hands of such officer at any time during his possession of such office.

Sec. 4. Conditions of other bonds. All other bonds required by law, when not otherwise specially provided, shall be conditioned as the bonds of public officers.

Sec. 5. Want of compliance - effect. All bonds required by law shall be construed as impliedly containing the conditions required by statute, anything in the terms of said bonds to the contrary notwithstanding.

Sec. 6. State officers - amount of bonds. State officers shall give bonds in an amount as follows:

1. Secretary of state, auditor of state, attorney general, clerk of the supreme court, not less than ten thousand dollars (\$10,000.00).
2. Treasurer of state, not less than three hundred thousand dollars (\$300,000.00).
3. Members board of control of state institutions, twenty-five thousand dollars (\$25,000.00).
4. Each member of the finance committee of the state board of education, twenty-five thousand dollars (\$25,000.00).
5. Each treasurer of a state institution under the control of the state board of education, an amount to be fixed by the board substantially equal to twice the highest amount of money liable to come into his hands at any one (1) time.
6. Commissioner of public health, secretary of agriculture, and each railroad commissioner, not less than five thousand dollars (\$5,000.00).
7. Superintendent of public instruction, not less than two thousand dollars (\$2,000.00).
8. Custodian of public buildings and grounds, such amount as the executive council may fix.
9. Commissioners of insurance, fifty thousand dollars (\$50,000.00).
10. Superintendent of banking, twenty thousand dollars (\$20,000.00).
11. State fire marshal, five thousand dollars (\$5,000.00).
12. Mine inspectors, two thousand dollars (\$2,000.00).
13. Labor commissioner, two thousand dollars (\$2,000.00).
14. Deputy labor commissioner, one thousand dollars (\$1,000.00).
15. State game warden, five thousand dollars (\$5,000.00).
16. Deputy game wardens, five hundred dollars (\$500.00).
17. Secretary of executive council, such amount as the executive council may fix.
18. State librarian, five thousand dollars (\$5,000.00).
19. Law librarian, three thousand dollars (\$3,000.00).
20. Curator historical department, one thousand dollars (\$1,000.00).
21. Superintendent of printing, five thousand dollars (\$5,000.00).
22. Industrial commissioner, one thousand dollars (\$1,000.00).
23. Members state highway commission, five thousand dollars (\$5,000.00).
24. Reporter of the supreme court, not less than one thousand dollars (\$1,000.00).
25. All other public officers, in the amount provided by law, or as fixed under the following section.

Sec. 7. Amount of bond, when not fixed by law. In all cases where no amount, or a minimum amount is fixed by law for the official bond of a public officer, the approving officer or board shall fix the bond at such amount as public interests may require.

Sec. 8. When premium paid by the state. The sum of two thousand dollars (\$2,000.00), or so much thereof as is necessary, is annually for the biennium ending July 1, 1925 appropriated from any unappropriated funds in the state treasury for the purpose of paying the cost of the bonds of the treasurer and deputy treasurer of state, when the surety on said bond is an incorporated surety company. The premium on the bond of the custodian of public grounds and buildings shall be paid from any unappropriated funds in the state treasury, which sum is hereby appropriated until July 1, 1925.

Sec. 9. County, city, town, and township officers. The bonds of the following county officers, viz.: treasurers, clerks of the district courts, county attorneys, recorders, coroners, auditors, superintendents of schools, sheriffs, justices of the peace, and constables, and city, town, and township assessors, shall each be in a penal sum to be fixed by the board of supervisors.

Sec. 10. Minimum of bonds. Bonds of members of the board of supervisors, treasurers, clerks of the district courts, county auditors, sheriffs, and county attorneys shall not be in less sum than five thousand dollars (\$5,000.00) each, and those of justices and constables, not less than five hundred dollars (\$500.00) each.

Sec. 11. Expense of treasurer's bond paid by county. If any county treasurer shall elect to furnish a bond with any association or incorporation as surety as provided in this chapter, the reasonable cost of such bond shall be paid by the county where the bond is filed.

Sec. 12. Municipal officers. The bonds of all municipal officers who are required to give bonds shall each be in such penal sum as may be provided by law or as the council shall from time to time prescribe by ordinance; but the bonds of mayors shall not be in less sum than five hundred dollars (\$500.00) each.

Sec. 13. Bonds of deputy officers. Bonds required by law of deputy state, county, city, and town officers shall, unless otherwise provided, be in such amounts as may be fixed by the governor, board of supervisors, or the council, as the case may be, with sureties as required for the bonds of the principal, and filed with the same officer. The giving of such bond shall not relieve the principal from liability for the official acts of the deputy.

Sec. 14. Minimum number of sureties - qualifications. Every bond required by this chapter, except as hereinafter specified, shall be executed with at least two (2) sureties, each of whom shall be a freholder of the state. The bonds of the state treasurer and of the county treasurer shall have not less than four (4) sureties, possessed of like qualifications.

Sec. 15. Surety company bonds. Any association or incorporation which does the business of insuring the fidelity of others, and which has authority by law to do business in this state, shall be accepted as surety upon bonds required by law.

Sec. 16. Beneficiary of bond. All bonds of public officers shall run to the state, and be for the use and benefit of any corporation, public or private, or person injured or sustaining loss, with a right of action in the name of the state for its or his use.

Sec. 17. Approval of bonds. Bonds shall be approved:

1. By the governor, in case of state and district officers, elective or appointive.
2. By the board of supervisors, in case of county officers, township clerks, and assessors.
3. By a judge of the district court of the county in question, in case of members of the board of supervisors.
4. By the township clerk, in case of other township officers.
5. By the mayor, or as may be provided by ordinance, in case of city or town officers.
6. By the city or town council, in case of the office of mayor.

Sec. 18. Time for approval. All bonds shall be approved or disapproved within five (5) days after their presentation for that purpose, and indorsed, in case of approval, to that effect and filed.

Sec. 19. Approval by auditor. When a bond, approvable by the board of supervisors, of any public officer is presented after the final adjournment of the January session of said board, except those of the county auditor and treasurer, the auditor may approve such bond, in which case he shall report his action to the board at its next session. The action of the auditor in approving the bond shall stand as the action of the board unless the board enters its disapproval. If such disapproval be entered, the new bond must be given within five (5) days from the date of such decision, but the old bond shall stand good for all acts done up to the time of the approval of the new bond.

Sec. 20. Failure of board to approve - application to judge. If the board of supervisors refuses or neglects to approve the bond of any county officer, he may within five (5) days thereafter, or after the expiration of the time allowed for such approval, present the same for approval to a judge of the district court of the proper district, who shall fix a day for the hearing. Notice of such hearing shall be given the board and return made in the same manner as in a civil action, and the court or judge at the time fixed shall, unless good cause for postponement be shown, proceed to hear the matter and approve the bond, if found sufficient, and such approval shall have the same force and effect as an approval by the board.

Sec. 21. Custody of bond. The bonds and official oaths of public officers shall, after approval and proper record, be filed:

1. For all state officers, elective or appointive, except those of the secretary of state, with the secretary of state.
2. For the secretary of state, with the state auditor.
3. For county and township officers, except those of the county auditor, with the county auditor.
4. For county auditor, with the county treasurer.
5. For members of the board of supervisors, and for justices of the peace, with the clerk of the district court.
6. For officers of cities and towns, and officers not otherwise provided for, when both bond and oath are required, in the office of the officer or clerk of the body approving the bond.
7. For officers of cities and towns when only an oath is required, in the office of the mayor.

Sec. 22. Recording of bonds. The secretary of state, each county auditor, and each auditor or clerk of a city or town, shall keep a book, to be known as the "Record of Official Bonds", and all official bonds shall be recorded therein in full as follows:

1. In the record kept by the secretary of state, the official bonds of all state officers, elective or appointive, except the bonds of notaries public.
2. In the record kept by the county auditor, the official bonds of all county officers, elective or appointive, justices of the peace, township clerks, constables, and all assessors.
3. In the record kept by the city or town auditor or clerk, the official bonds of all city or town officers, elective or appointive.

Said records shall have an index which, under the title of each office, shall show the name of each principal, his sureties, and the date of the filing of the bond. A bond when recorded shall be returned to the officer charged with the custody thereof.

Sec. 23. Failure to give bond. Any officer who acts in an official capacity without giving bond when such bond is required shall be fined in an amount not exceeding the amount of the bond required of him.

That section two hundred forty-one-a thirty-six (241-a36) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 24. Superintendent of printing - appointment - duties. The printing board shall, by a majority vote, appoint some person having the same qualifications as the appointive members of the board who shall be officially known as superintendent of printing, and be ex officio secretary and general executive officer of the board. Said superintendent shall serve during the pleasure of the board.

That section two hundred forty-seven-a one (247-a1) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 25. Appointment and tenure. The executive council shall appoint a custodian of public buildings and grounds who shall hold office during the pleasure of said council.

Approved February 2, 1924.

CHAPTER 22
RELEASE OF SURETIES ON BONDS
S. F. 33

AN ACT to amend, revise, and codify sections six hundred thirty-two (632) and six hundred thirty-eight (638) of the compiled code of Iowa, relating to the release of sureties on bonds required by law.

Be It Enacted by the General Assembly of the State of Iowa:

That section six hundred thirty-two (632) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Release of sureties on bonds of public officers. When any surety on the bond of a public officer desires to be relieved of his obligation, he may petition the approving officer or board for relief, stating the grounds therefor.

That section six hundred thirty-eight (638) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 2. Release of sureties on other bonds. When the principal on the bond has been appointed by a judge or court or is under the jurisdiction of a court, the petition for release must be presented to said court and the release shall be made subject to the orders of said court. Sureties on other bonds required by law who desire to be released of their obligation may proceed in the manner required for release in case of bonds of public officers. The provisions of this section shall not apply to sureties on bonds given to secure the performance of contracts for public works, nor to sureties on appearance bonds in criminal cases.

Sec. 3. Return of premium by surety. When a surety is released as heretofore provided, he shall refund to the party entitled thereto the premium paid, if any, less a pro rata part thereof for the time said bond has been in force.

Approved March 17, 1924.